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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,782	08/21/2001	Wouter J. Wiersma	256/098	8581

167 7590 02/28/2003

FULBRIGHT AND JAWORSKI L L P  
PATENT DOCKETING 29TH FLOOR  
865 SOUTH FIGUEROA STREET  
LOS ANGELES, CA 900172576

EXAMINER

COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,782

Applicant(s)

WIERSMA ET AL.

Examiner

Josiah C. Cocks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings, filed with the application on 8/21/01, are accepted by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kemp et al.* (US # 4,375,213) in view of *Perl* (US # 3,682,156).

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*Kemp et al.* discloses in Figures 1-3 a self-cleaning kitchen oven including an infrared/radiant gas boiler (68) with a venturi tube assembly extending forwardly from a back wall of the oven for supplying fuel (by means of pipe 72) and drawing ambient air for combustion through a venturi tube (74). *Kemp et al.* further discloses that the oven includes a first duct (50) mounted on the oven back wall extending downwardly from the top of the oven, and a second duct (64) in communication with the first duct and an opening of the venturi tube wherein the duct (64) at least partially surrounds the venturi tube opening (see col. 3, lines 64-67).

In regard to the limitations of the claims concerning a fan mounted on the oven in communication with the ducting for supplying a positive airflow to the venturi tube opening, *Kemp et al.* discloses a fan (100); however, this fan provides a positive flow for only the cooling air passing through the outer duct (50). *Kemp et al.* further indicates that air is provided to the venturi through duct (64) and venturi (74) to the radiant/infrared burner (68) by means of convection and by the inspiriting effect of the burners (see col. 4, lines 30-33). *Kemp et al.*, therefore, does not explicitly disclose that a fan is providing positive airflow to the venturi tube opening.

*Perl* discloses a self-cleaning oven in the same field of endeavor as that of *Kemp et al.* wherein the oven of *Perl* includes a fan (68) in communication with a duct (63), which is in communication with a burner tube (22) in the upper portion of an oven cavity. *Perl* further discloses that this fan (68) provides forced air to the burner (i.e. providing a positive air flow). *Perl* also discloses that it is known in the art that fan assemblies in ovens may be configured to create either a positive or negative air-flow to a burner unit and that when a fan is configured to

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generate a positive air-flow a slight positive pressure is generated in the oven cavity which is beneficial in cleaning the door surface (see col. 8, lines 43-59).

Therefore, in regard to claims 1-29, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the oven of *Kemp et al.* to incorporate the fan assembly of *Perl* for the desirable purpose of aiding in the cleaning of the inner surface of the door (see col. 8, lines 46-47).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Kitabayashi* is cited in applicant's specification as acknowledged prior art relating to boilers with infrared burners and venturi tube assemblies. *Brucken* is included to show a kitchen oven having a positive convection airflow to a burner. JP 200-28142, JP 2002-159402, *Perry et al.*, *Herrelko et al.*, *Csadenyi*, and *Voorhis* are included to further show the state of the art concerning kitchen ovens with fans, ducting, and venturi tube assemblies.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached at (703) 308-0101. The fax phone numbers for this Group are (703) 308-7764 for regular communications and (703) 305-3463 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc  
February 26, 2003

  
JOSIAH COCKS  
PATENT EXAMINER  
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